

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Municipal Administration and Urban Development Department – Hyderabad Metropolitan Development Authority – Heritage Buildings – De-notification of Heritage building namely Devdi Mehdi Nawaz Jung, Banjara Hills, Municipal No.8-2-413 admeasuring 3292.25 Sq.mts, Road No.4, Hyderabad from the list of Heritage Buildings – Draft Notification – Confirmed – Orders - Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (I1) DEPARTMENT

G.O.Ms.No. 80

Dated:08.03.2013.
Read the following:

1. G.O.Ms.No.102, MA&UD Department, dated:23.03.1998.
2. Representation from M/s.Gavva Estates Pvt., Ltd., dated 29.06.2011 & 10.10.2012.
3. From the Commissioner, GHMC., Hyderabad, Letter No.124/TP/CX/CZ/2011/1333, dated:19.04.2012.
4. From the Director, Bureau of Industrial Consultancy Services (BICS), JNTU, Hyderabad, report dt:05.03.2012.
5. From the High Court of Andhra Pradesh, Interim orders in W.P.M.P.No.30200 of 2011 in W.P.No.24591 of 2011, dated 02.09.2011.
6. From the High Court of Andhra Pradesh, Interim orders in W.P.No.24591 of 2011, dated 01.10.2012.
7. From the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad, Letter No.006462/Plg./HCC/HMDA/2012, Dated:02.11.2012 and 22.11.2012.
8. Government Memo No.16692/I1/2011, MA&UD Dept., dated 21.01.2013.
9. From the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad, Letter No.1333/Plg/HCC/H/2007, dated:16.02.2013.
10. Caveat petition of Sri. O.M Debara, Hyderabad, dt:30.10.2012 received on 17.11.2012.
11. Government Memo. No.16692/I1/2011, MA&UD Department, dated 22.02.2013.

ORDER:

Whereas, the Government in G.O.Ms.No.102 MA, Dated:23.03.1998 have notified Building Devdi Mehdi Nawaz Jung, Banjara Hills, Municipal No. 8-2-413 admeasuring 3292.25 sq.mts, Road No.4, Hyderabad as Heritage Building as Grade (I), Building (Sl.No.21), Code No.3.34.

2. Whereas, M/s.Gavva Estates Pvt., Ltd., Hyderabad in their representation dated 29.06.2011 has informed that the building was constructed in the year 1930's by Medhi Nawaz Jung and is known as Banjara Bhavan. Thereafter, the building was sold to M/s. Meera Sales Private Limited and others under Registered Sale Deed Document No.6017/82, dated 13.08.1982. Consequently the said property was registered in the name of M/s. Gavva Estates Pvt., Ltd., under Registered Sale Deed Document No.1846/2011, dated 17.03.2011. The main building is built with lime mortar roof and due to poor maintenance water is stagnated on the roofs and there is profuse leaking and the plastering on the walls is also peeling away and the above building is not a building of regional or local importance with any architectural ingenuity. The street on which the said building is situated in full of residential units and small commercial establishments. The premises no way contributes to the image and identification of the city and does not possess any special architectural or aesthetical merit. The building is neither a model of proportion and ornamentation nor is the work of master craftsmen and also not represent lifestyle of a particular of community or region and cannot be distinguished by any special setting on the street line and has no special character façade and has no uniformity of height, width and scale. With the above reasons, the said building does not deserve to be include in the list of Heritage Properties and does not deserve any intelligent conservation and the building is in a dilapidated condition and is posing danger to the users and public in general as such by oversight the then owner could not submit the objection to exclude the above said premises at that time on which the building was published in the local newspapers calling for objections to the list prepared by Heritage Conservation Committee. The applicant have finally stated that, the owners of the said building have not applied for award of any development rights certificate in view of loss of

development rights due to notification of the said building as Heritage structure by the Government and therefore requested the Government to delete the said building from the list of Heritage properties notified in G.O.Ms.No.102, Municipal Administration and Urban Development Department, Dated:23.03.1998.

3. And whereas, the Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad in his letter dated 19.04.12 has stated that the notified Heritage Structure Grade-1 at Pr.No.8-2-413, Road No.4, Banjara Hills, Hyderabad was found in bad condition. The Greater Hyderabad Municipal Corporation officials have inspected the site and observed that most of the structure which was constructed on the rock area has been collapsed. The Forum for a Better Hyderabad and three others have filed W.P.No.24591 of 2011, to take steps to see that no further damage to the notified Heritage Structure. The Hon'ble High Court in its orders 5th read above, given interim direction to Hyderabad Metropolitan Development Authority & Greater Hyderabad Municipal Corporation to take all necessary steps to protect the Heritage Structure and also directed to submit the report within two weeks. He has further stated that, the Greater Hyderabad Municipal Corporation vide letter dated 14.09.2011 addressed to the Director, Bureau of Industrial Consultancy Services, Jawaharlal Nehru Technological University to provide a detailed report on the structural stability of the Heritage Structure. The Director, Bureau of Industrial Consultancy Services, Jawaharlal Nehru Technological University has submitted a report vide reference 4th cited.

4. Whereas, the Director, Bureau of Industrial Consultancy Services, Jawaharlal Nehru Technological University, Hyderabad in his report dt: 05.03.2012 has made the following conclusions and Recommendations:

"From the observations and visual inspection it is concluded that the structure (s) is in a very dilapidated condition. It is not safe for any human dwelling. A heavy rain or minor tremor or disturbance can bring down the structure completely. The little reinforcement in some of the structural members is also complete corroded. It is recommended and advised not to enter into the building in the present state. The structure in the present stage is beyond repair. Any further modification or construction should be under taken only after obtain No Objection Certificate from the Heritage Conservation Committee.

5. Whereas, the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad, in his report 7th read above has reported that the matter was placed before the Heritage Conservation Committee in its meeting held on 06.09.2011 & 12.09.2012 wherein the HCC has not agreed for deletion of the said building from the heritage list. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority while enclosing the report of Bureau of Industrial Consultancy Services (BICS), JNTU, Hyderabad along with photographs of the building depicting the present status, has further reported that the building is in dilapidated condition and beyond repairs.

6. Whereas, the Hon'ble High Court have disposed the W.P.No.24591 of 2011 on dt: 01.10.2012 with the following order.

"Having heard the learned counsel for the parties and having perused the material available on record, since the above said application dt: 29-06-2011 is pending consideration before respondent No.1 i.e Government of A.P represented by Principal Secretary to Government MA & UD Department, we direct the said authority to consider the application dt: 29-06-2011 and pass a reasoned order in the matter in question as expeditiously as possible, in accordance with the provisions of law. Status quo as on today shall be maintained until the matter is decided by respondent No.1, i.e Government of AP represented by Principal Secretary to Government MA&UD Department".

7. Government, after careful consideration of the matter, in exercise of powers conferred by Regulation 13(3) Hyderabad Zoning Regulations 1981, under sub-section (1) of Section 59 of Andhra Pradesh Urban Areas (Development) Act, 1975 (Act-I of 1975), keeping in view of the report furnished by Director Bureau of Industrial consultancy services, Jawaharlal Nehru Technological University of Hyderabad with regard to structural safety of the building and keeping in view the public safety, as the structure (s) is in a very dilapidated condition as such the building is not safe for any human dwelling and public safety and the structure in the present stage is beyond repair, have proposed to de-notify the Heritage building namely Devdi Mehdi Nawaz Jung, Banjara Hills, Municipal No. 8-2-413 admeasuring 3292.25 sq.mts Road No.4, Hyderabad as Heritage Building as Grade (I), Building (Sl.No.21), Code No.3.34 from the list of Heritage Buildings notified in the G.O.Ms.No.102 MA, Municipal Administration and Urban Development Department, Dated:23.03.1998. and accordingly a draft notification issued in the reference 8th read above and the same has been published in

extraordinary issue of A.P., Gazette No.60, Part-I, dated:24.01.2013 inviting objections or suggestions from the public if any within the stipulated period i.e, fifteen days from the date of publication of the notification. Further, the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority vide reference 9th read above reported that he has also published the said notification in the local news papers giving wide publicity for the public for filling their objections / suggestion if any within stipulated period. No. objections / suggestions have been received either in the Hyderabad Metropolitan Development Authority or in the Government within stipulated period.

8. Sri. O.M. Debara, Forum for A Better Hyderabad in his letter dt:30.10.2012 has submitted a CAVEAT Petition before Government with request to furnish any notice in the matter. As per Section 148-A(1) of the code of civil procedure, 1908 provides that where an application is expected to be made or has been made in a suit or proceeding instituted or about to be instituted in a court, any person claiming a right to appear before the court on the hearing of such application may lodge a caveat in respect thereof as such caveat petitions can be filed before the civil court in connection with the suit or proceedings filed before it. Caveat petitions cannot be filed in proceedings before the statutory authorities. However a copy of Government memo 8th read above was communicated to Sri. O.M. Debara, vide Govt Order 11th read above. Sri. O.M. Debara is one of the petitioner who filed W.P.No.25491 of 2011 before High Court, wherein the petitioner prayed for protection of said Heritage Building as the structure of the building is not only ancient but it has got historical value. The said contention mentioned by Sri. O.M. Debara in his petitioner's affidavit in the said writ petition is taken as suo-moto objection and examined the said objection in light of the report furnished by the Director Bureau of Industrial consultancy services, Jawaharlal Nehru Technological University of Hyderabad and the circumstances reported by the MC, HMDA and Commissioner, GHMC. Government after careful examination of the matter and keeping in view the reports furnished by the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad and Commissioner, Greater Hyderabad Municipal Corporation of Hyderabad with regard to structural safety of the building and as the structure (s) is in a very dilapidated condition as such the building is not safe for any human dwelling and the structure in the present stage is beyond repair and keeping in view the public safety it is hereby decided to reject the objection and confirm the draft notification issued vide Government memo 8th read above in the matter.

9. Government, therefore, in exercise of powers conferred by regulation 13 (3) of Hyderabad Zoning Regulations, 1981 under sub-section (1) of Section 59 of Andhra Pradesh Urban Areas (Development) Act, 1975 (Act-1 of 1975) hereby de-notify the Heritage building namely Devdi Mehdi Nawaz Jung, Banjara Hills, Municipal No. 8-2-413 admeasuring 3292.25 sq.mts Road No.4, Hyderabad from the Heritage Buildings notified in the G.O.Ms.No.102 MA, Municipal Administration and Urban Development Department, Dated:23.03.1998.

10. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad and Commissioner, Greater Hyderabad Municipal Corporation of Hyderabad is requested to take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationary and Stores Purchase Department, A.P., Hyderabad.
(with a request to publish in Andhra Pradesh Gazette.)
The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad.
The Commissioner, Greater Hyderabad Municipal Corporation of Hyderabad.

Copy to:
The individual through the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad.
The District Collector, Hyderabad.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER